IN THE HIGH COURT OF BOMBAY AT GOA
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WRIT PETITION NO. 86 OF 1999

Shri John Anthony Dias,
major of age, r/o
House No. 113, Behind
St. Sebastian Chapel,
Aquem, Margao, Goa,
through his Attorney
Mrs. Aninha Dias. ... Petitioner.

Versus

1. Shri Joseph Agnelo Dias,
and his wife,

2. Mrs. Tereza Dias, both
majors, r/o House No. 112/E,
Aquem, Margao, Goa,

3. Mrs. Filomena alias
Philomena Mascarenhas, and
her husband,

4. Shri Agostinho alias
Augustino Mascarenhas,
both majors in age, and
r/o House No.4, Vimal
Society, Godhra Rd.,
Dahad, Gujarat 389 160,

5. Smt. Magdalina Dias,
wife of late Constancio
Dias and as natural
guardian of minor children
Mary Dias and Clara Dias,
r/o Green Field Society,
C.S.T. Road, Kalina,
St. Cruz (East),
Mumbai 400 029,

6. Smt. Clara Claudina
Fernandes and her husband,

7. Shri Manoel alias Manuel
Fernandes, both major, r/o
Triveni Chawl, Room No. 38,
Opp. Kalina Bus Stop,
Kalina,
St. Cruz (East),
Mumbai 400 029, and

8. Shri A. D'Cruz, Comarca
Judge, Salcete. ... Respondents.

Shri V. B. Nadkarni, Senior Advocate with Shri Y. V. Nadkarni and Shri J. Cardozo, advocates for the petitioner.

Shri M. S. Usgaokar, Senior Advocate with Shri Sudesh Usgaokar and Ms. P. Kamat, advocate for the respondent nos. 1 and 2.

Ms. Winnie Coutinho, Government Advocate for the respondent no.8 (absent).

CORAM : D. G. KARNIK, J.

DATE : 13th April, 2004.

ORAL JUDGMENT

1. By this petition, the petitioner prays for quashing and setting aside of the auction proceedings held on 24th March, 1998.

2. The auction proceedings were held in pursuance of an earlier order dated 15th December, 1997, which is at Exh. L to the petition. By an order dated 6th November, 1998, passed Civil Revision Application No.55 of 1998, by consent of the parties, this Court has set aside the said order dated 15th December, 1997. In view of the same, the learned counsel for the parties agree that the auction proceedings held on 24th March, 1998, also need to be quashed and set aside and they are accordingly set aside with the consent of the parties.

3. The parties are at liberty to take all further steps and proceedings before the trial Judge before whom the proceedings are pending.

4. Petition disposed of in the abovesaid terms with no order as to costs.

D. G. KARNIK, J.

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